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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 001153

SIPDIS

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TAGS: [MARR](#) [MOPS](#) [PGOV](#) [TU](#)

SUBJECT: TURKEY: LAWSUIT AGAINST ARMY COMMANDER RAISES
TENSIONS BETWEEN GOVERNMENT AND MILITARY

Classified By: DCM Nancy McEldowney, reasons 1.4 (b) and (d).

1. (C) SUMMARY: Turkish Land Forces (TLFC) Commander GEN Yasar Buyukanit (slated to take the top job in TGS this Aug.) is again at the center of public controversy. On Mar. 5, the Van Public Prosecutor filed a complaint against Buyukanit for allegedly trying to influence the trial of Jandarma officials accused of involvement in a Nov. 2005 book store bombing in Semdinli. The indictment also accuses Buyukanit of misuse of power during his command of the 7th Army Corps in the southeast years earlier. This is the second time in six months that Buyukanit's future at the helm of TGS has been publicly questioned. Some chalk the indictment up to due process or prosecutorial grandstanding, but it also may be the latest attempt by some in the government to derail Buyukanit's ascent. The government has been tripping over itself to deny responsibility for the indictment but press and public speculation indicate a wide spread belief that this is part of a larger trend within the AKP designed to constrain the military in general and Buyukanit in particular. END SUMMARY.

2. (U) Van Public Prosecutor Ferhat Sarikaya filed a complaint against GEN Buyukanit for interfering in an ongoing trial when he supposedly stated in Nov. 2005 about Ali Kaya, one of the Jandarma officers accused in a Nov. 1. attack in the southeastern town of Semdinli that "I know him. He is a good man." (Note: According to a Mar. 7 press article, Buyukanit further stated "But if he's guilty, he'll be punished. We should wait for the probe's results." That part of the statement is not reflected in the indictment. End Note.) Beyond Buyukanit's supposed statement, Buyukanit is accused -- based on the submission of letters from anonymous informants -- of establishing a "gang"; forging documents; and misusing his authority from 1997 to 2000 when he served as Commander of the 7th Army Corps based in the southeastern town of Diyarbakir. The indictment was sent to Chief of the Turkish General Staff (CHOD) GEN Hilmi Ozkok for a decision given the military's sole authority for the trial of military personnel.

3. (U) On Mar. 6, following a meeting of the Turkish General Staff, CHOD Ozkok met privately with PM Erdogan for more than an hour on this issue. According to the press, Ozkok made four points: 1) The military has never put pressure on the judiciary; 2) the indictment contains no legal basis; 3) the indictment is an affront to the military; 4) responsibility for resolving it rests with the government, which must issue a statement immediately. We are told that Ozkok delivered the same message to Pres. Sezer on Mar. 7. Later that day, the Prime Minister publicly rebutted opposition Republican People's Party (CHP) leader Deniz Baykal's statement that "a coup is being planned against the Turkish Armed Forces and the judiciary is used as a tool for this purpose." Erdogan asserted, among other things, that "any attempt to bring the military and independent judiciary face to face will not serve our country. Our armed forces are strong enough to deal with games planned against it." He further stated "We will oppose all activities to hurt the Turkish Armed Forces." FM Gul, PM spokesman Akif Beki and Government Spokesman and Justice Minister Cicek also publicly denied any governmental role.

4. (C) The press has extensively covered this case. Most papers suggest that the indictment was an attempt to smear the military, which remains the most admired Turkish institution, or to weaken Buyukanit's chances of becoming CHOD. Even Yeni Safak, an Islamist newspaper and traditional AKP mouthpiece, was negative about the indictment, suggesting it was an attempt to bring down Buyukanit and to create the appearance of strife between the government and the military, which it characterized as "inappropriate and dangerous." Some individuals in the AKP applauded the indictment, saying that the Van Prosecutor did what they in the government could not do to ensure the military did not interfere in an ongoing court case. Several commentators, however, have called into question the idea that the charges against Buyukanit are politically motivated at all, suggesting instead that there may be nothing more to this than a prosecutor trying to do his job as he sees fit.

5. (U) This is the second time in a matter of months that Buyukanit's future has been publicly questioned. In Nov. 2005, the press announced that PM Erdogan had asked Ozkok to

extend his tenure as CHOD for an additional year, thereby forcing Buyukanit's early retirement instead of his expected ascension from Land Forces Commander to CHOD on Aug. 30 when GEN Ozkok retires. Then too the government protested the rumor. Erdogan publicly denied making the request and claimed the government had no prejudice against GEN Buyukanit, and GEN Ozkok reaffirmed his intention to retire on schedule, ending the speculation.

16. (C) COMMENT: Buyukanit is blunt, out-spoken and charismatic, considered a hero by his soldiers. He has openly stated his determination to uphold the traditional military role of protecting Ataturk's legacy of a secular state. These characteristics make him particularly unwelcome to the ruling AK Party which has enjoyed a cooperative relationship with the current CHOD, an introspective officer who keeps his own counsel and has supported the government's legislative reforms and international diplomacy efforts to further Turkey's EU candidacy -- at some cost to the military's traditional authorities. This diminution of traditional military power has rankled some within the military, particularly at the lower ranks, who may expect Buyukanit, as CHOD, to be a less willing partner of the government. We believe this case is unlikely to derail Buyukanit's August appointment as CHOD. END COMMENT.
WILSON